

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWARD EARL THOMAS,

Plaintiff,

v.

Case Number 08-11911-BC
Honorable Thomas L. Ludington

DOW CHEMICAL,

Defendant.

ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE

On May 18, 2004, the Court entered an order enjoining Plaintiff Edward Earl Thomas from filing any future complaints in this Court without first seeking and obtaining the Court's approval. In that order, in the civil proceeding of 04-10087-BC, *Edward Earl Thomas v. State Courthouse (Police) Bay City, Michigan*, the Court noted that Plaintiff is a frequent litigator in this Court. At that juncture, the Court had dismissed at least six of Plaintiff's cases as frivolous.

In the face of a vexatious litigant, the Court has the authority and, indeed, the duty to ensure that a single litigant does not unduly encroach on the availability of judicial resources to other litigants. *See Filipas v. Lemans*, 835 F.2d 1145 (6th Cir. 1987) (stating that requiring leave of the court before initiating further complaints is the appropriate method for handling prolific and vexatious litigants); *Feathers v. Chevron, U.S.A.*, 141 F.3d 264, 269 (6th Cir. 1998) (upholding "plac[ing] limits on a reasonably defined category of litigation because of a recognized pattern of repetitive, frivolous, or vexatious cases within that category"); *Procup v. Strickland*, 792 F.2d 1069, 1074 (11th Cir. 1986).

On May 6, 2008, Plaintiff filed a new complaint. He did not seek leave of the Court before doing so. In so doing, he violated the Court's order that enjoined him from initiating suit without

leave of the Court. Consequently, the Court will dismiss the instant complaint without prejudice. Plaintiff, however, is reminded of the Court's order to seek leave of the Court before initiating a new lawsuit and of the Court's inherent authority to require compliance with its orders, lest Plaintiff face sanctions more grave than dismissal without prejudice of his complaint.

Accordingly, it is **ORDERED** that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 17, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 17, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS